

1 A MEMORIAL

2 REQUESTING THAT THE TAXATION AND REVENUE DEPARTMENT AND THE
3 ECONOMIC DEVELOPMENT DEPARTMENT STUDY AND CONSIDER RAISING OR
4 ELIMINATING THE THIRTY THOUSAND DOLLAR (\$30,000) CAP PER
5 INDIVIDUAL IN THE NEW MEXICO HOMESTEAD EXEMPTION IN ORDER TO
6 PROMOTE THE GENERAL HEALTH AND ECONOMIC WELFARE OF EVERY NEW
7 MEXICO HOMEOWNER.

8 WHEREAS, filings for bankruptcy within New Mexico have
9 risen to unprecedented levels for three straight years,
10 increasing from eight thousand six hundred sixty-nine in 2001
11 to nine thousand seven hundred eighty-two in 2003; and

12 WHEREAS, the national economy has shown some signs of
13 revival but has been slow to create adequate employment
14 opportunities for many New Mexico families; and

15 WHEREAS, many retirees who live in New Mexico have
16 suffered stock-market losses over the past three years,
17 causing them to file for bankruptcy, and it is desirable and
18 beneficial for retirees who live in New Mexico to have some
19 protection from economic downturns; and

20 WHEREAS, ninety percent of all bankruptcy filings in New
21 Mexico are pursuant to Chapter 7 guidelines, which require
22 filers to sell assets to creditors, and the most valuable
23 asset for most citizens is their home; and

24 WHEREAS, current state law allows only thirty thousand
25 dollars (\$30,000) worth of protection per individual per home

1 and only sixty thousand dollars (\$60,000) worth of protection
2 per couple per home, and the median price of a home in New
3 Mexico, according to the 2000 federal decennial census, is
4 one hundred eight thousand dollars (\$108,000); and

5 WHEREAS, other states, including Arizona, Florida and
6 Nevada, have homestead exemptions offering greater degrees of
7 protection than those found in New Mexico;

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
9 STATE OF NEW MEXICO that the taxation and revenue department
10 and the economic development department be requested to
11 investigate this growing problem and consider eliminating the
12 homestead-exemption cap per individual per home in order to
13 promote the protection of New Mexico families from economic
14 devastation; and

15 BE IT FURTHER RESOLVED that those departments make
16 recommendations regarding this situation and report their
17 findings to the president pro tempore, the majority floor
18 leader and the minority floor leader of the senate and to all
19 committee chairs for examination; and

20 BE IT FURTHER RESOLVED that copies of this memorial be
21 transmitted to the taxation and revenue department and the
22 economic development department. _____

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